

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

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**FILE:** B-212087**DATE:** February 7, 1984**MATTER OF:** Vincent L. DiMare**DIGEST:**

An employee stationed in California appeals the settlement which denied certain per diem and transportation expenses incident to his temporary duty travel to Florida, where travel was by an indirect route and reimbursement was based on constructive travel by a direct route. Denial of the employee's claim for additional meal and lodging expenses is sustained, since there is no authority to pay subsistence expenses where travel by an indirect route increases traveltime or where the employee is in an annual leave status when the expenses are incurred. Although the employee may not be reimbursed for a rental car on days when no official business is performed, he may be reimbursed for allowable transportation not to exceed the cost of the rental car.

Mr. Vincent L. DiMare has appealed the settlement disallowing certain per diem and travel expenses incurred while performing temporary duty in Florida where travel was by an indirect route and reimbursement was based on constructive travel by a direct route.<sup>1</sup> We hold that Mr. DiMare may be reimbursed for some of the claimed expenses which were previously disallowed.

**BACKGROUND**

Mr. DiMare, an employee of the Department of the Air Force whose duty station is Sacramento, California, was authorized temporary duty at Tyndall AFB, Florida, from February 9 to 11, 1982, with February 8 as a travel day.

<sup>1</sup> In a letter dated May 13, 1983, Mr. DiMare requested review of the action of Claims Group, AFMD, in Settlement No. Z-2846559, issued April 29, 1983.

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In addition, he was authorized a rental car at the temporary duty site and annual leave in conjunction with the temporary duty assignment.

Mr. DiMare departed Sacramento on February 5 and traveled to Orlando, Florida, using an excursion fare airline ticket. He obtained a rental car on February 7 in the Orlando area and drove to Tyndall AFB on February 8. At the end of his temporary duty assignment on the afternoon of February 11, he drove to St. Augustine, Florida, where he spent the night. He turned in the rented automobile on February 13, but he remained in Florida on annual leave until his return to Sacramento on February 26, 1982.

Mr. DiMare has been reimbursed for the excursion fare ticket, actual subsistence expenses for February 8 to 11, and for the cost of the rental car for the period of temporary duty. Reimbursement was based on constructive travel by a direct route from Sacramento to Tyndall AFB, and return.<sup>2</sup>

The rental car reimbursement was based on a prorated allowance for the 4 days' official duty. He claimed reimbursement of \$144.56 but was allowed \$96.36. Breakfast on February 8 was disallowed since the employee could have eaten at home based on travel by a direct route. The motel expense on February 11 and expenses on February 12 and 26 were disallowed because, based on direct travel, Mr. DiMare would have departed on February 8 and returned to his duty station on February 11.

The Claims Group of our Office issued a settlement denying his claim for additional expenses which Mr. DiMare appealed. He contends that since his use of an excursion fare to Orlando, Florida, resulted in a saving to the Government of \$312 over the cost of direct air travel between Sacramento and Tyndall AFB, he is entitled to additional per diem and transportation expenses to reimburse him for

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<sup>2</sup> The cost of direct air travel between Sacramento and Tyndall AFB was \$670 at the time of Mr. DiMare's TDY assignment. The excursion ticket between Sacramento and Orlando cost \$358. \$670-\$358=\$312.

traveling in a rental car from the Orlando area to Tyndall AFB and return.

DISCUSSION

The rule governing reimbursement when indirect travel is involved is contained in para. 1-2.5b of the Federal Travel Regulations (FTR) (FPMR 101-7, September 1981) which provides:

"When a person for his/her own convenience travels by an indirect route or interrupts travel by a direct route, the extra expense shall be borne by him/her. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route.\* \* \*

Also, para. 1-8.4d provides with respect to reimbursement for actual subsistence expenses:

"A traveler shall be considered to be in subsistence status on nonworkdays under the same rules as are applied \* \* \* with respect to the payment of per diem."

We have held that when personal and official travel are combined, the expenses of transportation need not be prorated unless the overall cost exceeds that which would have been incurred had only official travel been performed. See 54 Comp. Gen. 268 (1974). In certain limited circumstances we have also held that where an employee remains at a temporary duty site for an additional nonworkday in order to qualify for a reduced rate excursion fare, he may be reimbursed the necessary additional per diem or actual subsistence costs, provided there is an overall savings to the Government and the employee acts in a prudent manner. Matter of Miller, 60 Comp. Gen. 295 (1981); Matter of Perkins, B-192364, February 15, 1979. However, there is no authority under which an employee may receive per diem or reimbursement of actual subsistence expenses when he is in an annual leave status.

Applying those rules to Mr. DiMare's travel we find that his claim for reimbursement of dinner on February 5, breakfast on February 8, breakfast, lunch, and dinner on February 12, and breakfast on February 26 may not be

allowed. Regardless of the savings to the Government caused by his indirect travel, there is no authority to reimburse an employee for subsistence expenses when in a leave status or where the expense would not have been incurred on uninterrupted travel by a usually traveled route. The same rule applies to reimbursement of his lodging costs on February 11, since he would not have incurred that expense had he not interrupted his travel for personal convenience.

With respect to the claim for an additional \$48.20 (\$144.56-\$96.36) for the cost of the rental car on February 7, 12, and 13, we have held that while there is no authority to permit reimbursement for a rental car for a period when no official business is performed, an employee may be reimbursed for the constructive cost of allowable transportation which would have been incurred had he not interrupted his travel or taken a circuitous route, not to exceed the cost of a rental car on days when no official business is performed. Matter of Perkins, cited above. Under that rule Mr. DiMare has been reimbursed for the 4 days' car rental which would have been incurred had he not taken leave or travel by a circuitous route. However, we note that the Air Force determined Mr. DiMare's reimbursement for the rental car by prorating the weekly rate. Since a weekly rate would not have been available had the car been used only for official business, his reimbursement should be calculated on the daily rate, not to exceed the actual costs. In view of the fact that travel to Orlando was required in order for Mr. DiMare to take advantage of the lower air fare he was also reimbursed his fuel costs paid in addition to the rental charge. We do not question allowance of this reimbursement since, when added to the air fare paid, the total does not exceed the constructive air fare for direct travel.

Accordingly, the settlement is sustained except as to the computation of the rental charge for the automobile which should be recalculated using the daily rate applicable instead of prorating the weekly rate. Mr. DiMare will be paid any additional reimbursement in due course.

*Milton J. Fowler*  
for Comptroller General  
of the United States